



Docket No. 0225-4161US16

PATENT

SC
#23
4-14-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Sholom S. Rosen

Group Art Unit: 2766

Serial No.: 09/138,459

Examiner: Ho S. SONG

Filed: August 21, 1998

For: **ELECTRONIC TRANSACTION APPARATUS FOR ELECTRONIC COMMERCE**

RESPONSE TO REQUIREMENT FOR RESTRICTION UNDER 35 USC § 121

Commissioner for Patents
Washington, D.C. 20231

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Sir:

Technology Center 2100

Applicant presents the following remarks in response to the Official Action dated December 31, 2002. The present response is accompanied by a Petition for Extension of Time with fee payment authorization.

I. Restriction Requirement

In the Office Action, restriction in this case under 35 U.S.C. §121, is required to one of the following inventions:

- I. Claims 12-15 and 17-18, drawn to an electronic money transfer between electronic devices and transaction receipt forwarded to one of electronic unit, classified in class 705, subclass 39;
- II. Claim 19, drawn to a tamper-proof device where it performs cryptographic operations such as generating public and private key pair and creates digital certificate, classified in class 713, subclass 194.

In response to this Requirement for Restriction, Applicant elects, without traverse, to prosecute claims 19, which corresponds to Invention II from among Inventions I and II into which the Office Action has classified the pending claims.

**II. The Priority Claim and Amendment Under
35 USC §120 and 37 CFR §1.78 filed May 10, 2002**

On May 10, 2002, Applicants filed a Priority Claim and Amendment Under 35 USC §120 and 37 CFR §1.78, which according to the subsequent Advisory Action was not entered because it was submitted after a final rejection and did not place the application in condition for allowance.

On September 12, 2002, Applicant filed an RCE and an Amendment, requesting entry of the Priority Claim and Amendment Under 35 USC §120 and 37 CFR §1.78 filed on May 10, 2002, which Applicant submitted should have been entered as of right in view of that Amendment and concurrently filed RCE.

To date, the USPTO has not acknowledged this priority claim. Accordingly, Applicant respectfully requests that the Examiner acknowledge the Priority Claim and Amendment Under 35 USC §120 and 37 CFR §1.78 that Applicant originally filed on May 10, 2002.

If any outstanding issues remain, or if the Examiner has any suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number below.

The Examiner's time and attention to this matter are greatly appreciated.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.



Dated: September 12, 2002

By:

David V. Rossi
Registration No. 36,659

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